

THE  
CASE

OF

The Purchasers of Publick Lands,  
Fee-Farms, &c.

STATED:

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A P L E A JAN 28 1917

For such Purchasers enjoying their  
Purchased Estates,

And for the payment of Publick  
Faith Debts.

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*London, Printed for L. H. 1660.*

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For such Particulars enjoying their

Particulars

And for the payment of Public

Trusts

London, Printed for A. W. 1800



## The Case of the Purchasers of Publick Lands, stated, &c.

*The late King Charles in Parliament, 17. Car. Cap. 7. passed an Act, that the Parliament should not be dissolved, prorogued or adjourned, but by Act of Parl.*

*The reason or occasion whereof, is set down in the Act, thus :*



Hereas great summes of Money must of necessity be speedily advanced, and provided, for the reliefe of his Majesties Army and People in the Northern parts of this Realm; and for preventing the eminent dangers this Kingdome is in, and for supply of other his Majesties present and urgent occasions, which cannot be so timely effected, as is requisite, without credit for raising the said Moneys, which Credit cannot be attained, untill such difficulties be first removed, as are occasioned, by Fears, Jealousies, and Apprehensions of divers his Majesties Loyal Subjects. That this Parliament may be adjourned, prorogued, or dissolved, before Justice shall be duly executed upon Delinquents, publick Grievances redressed, a firm Peace between the two Nations of *England* and *Scotland* concluded, and before sufficient provision be made, for the repayment of the said Moneys so to be raised; all which the Commons in this present Parliament assembled, having duly considered, doe therefore humbly beseech his most Excellent Majesty, that it might be Enacted; and so it was Enacted by the King, with assent of the Lords and Commons, &c.

*Note 1. The Commons onely pray it.*

*2. The reason to give them Credit.*



This which was Passed with his late Majesties consent in that Parliament, by the King, Lords and Commons, laid the Foundation, and gave the Credit, whereupon many of his Majesties Loyal Subjects (so that Act calls them) disbursed, lent and laid down vast summes of Moneys for payment of the Armies, and other publick provisions.

1. All which cannot be denied, but that they were justly to be repayed, both Legally and Conscientiously.

Legally, by the expresse words of the Act it self, being the highest, and most supreme Obligation, as made with the unanimous concurrence of the King, Lords and Commons.

2. Conscientiously, for that the Scripture it self preseth it, that Debts ought to be paid, that no man ought to be defrauded, that we ought not to owe any thing to any man but love.

3. And the rather, because the preamble of that Act holds forth unto them, that that Parliament was neither to be adjourned, prorogued or dissolved before sufficient provision were made, for repayment of the said Moneys, upon that, and upon the common received ground; That the Lords and Commons alone, during Parliament Sitting, might make Ordinances, did the good people upon the Engagements of the Publick Faith, and the security of the Ordinances, made by those Lords and Commons, lend and disburse those vast summes of Moneys, which the subsequent Wars not onely rendred further from provision of repayment, but drew on the Lords and Commons to make those further Ordinances for raising of Moneyes, and borrowing thereupon, and upon that Publick Credit, more and greater vast summes, which at length encreased to such a grosse, that there was no other means left, either towards repayment of what was borrowed before, or for taking up of more Moneyes for the supply of the then present occasions, then by recourse unto sale of Lands.

And thereupon publick Trustees were made, into whose hands the Lands exposed to sale were invetted, and such



such directions given, and such assurances Printed for Grants and Coveyances to be made thereof, that (the people of all parties rendering a submission and obedience to the ruling Powers, and the whole course of the Law and Justice being in *Westminster Hall*, and at *Affizes* and generall Sessions for all Matters and Cases both Civil and Criminal, administered and executed, by their Authority, and in their names) there was no doubt or scruple raised, but that the Contracts for purchase of Lands, upon, and under those Acts and Ordinances, were good and effectual, and would hold firm and valid in Law: So that not onely those that were called of the Parliaments party, but many also of those that by distinction were called Royallists, became purchasers of these Publick Lands, and Fee Farmes, so by those Acts and Ordinances exposed to publick Sale.

Add hereunto, that there was an universal submission made by the principal persons, and Men of Estates then called Royallists, or of the Kings Party, unto those then Ruling Powers, compounding for their Estates at *Haberdashers Hall*, and other places, paying great summes of Money to be freed from Sequestration, suing out of Pardons, and acknowledging many wayes, the then Ruling Powers, to be actually invested in, and possessed of, not onely the making of the Judges of the antient Courts of Justice in *Westminster Hall*, and at *Affizes* and Sessions; but of erecting of new Courts of Judicature, at *Goldsmiths Hall*, *Haberdashers Hall*, and other places, where the Sequestering, Discharging, or Disposing of Estates, came daily and openly in debate by Councell on both sides, and Decrees and Executions thereupon were daily made and awarded, as those Judges or Commissioners, upon hearing of the Cases adjudged it meet. At which new erected Judicatories, those of the then Kings Party so called, did commonly attend by themselves and their Councels, and there move for, and Sue for their Justice and releases of and from thence.

And Acts of Parliament were made for levying of Taxes, Excise, Customes, Impositions, and the whole

Legislative power assumed, and the style, name, and teste of all Writs and proceedings, changed and put and exercised by *Custodes libertatis Anglia auctoritate Parliamenti*, and after that it was enacted for all Law proceedings to be in English, and upon that Act of Parliament, the name, stile and teste ran in all Courts and places in the name, stile or teste of *The Keepers of the Liberty of England by Authority of Parliament*: Upon this Fact the Purchasers of those Publick Lands, so upon those Acts and Ordinances exposed to Publick Sale, do humbly offer for the making the same firm.

1. That seeing the first ground for the Credit in raising of Money, arose upon that Act of Parliament, of 17. Car. assented to by the King, Lords and Commons, for that Parliament not to be adjourned, prorogued, nor dissolved (as in the Act) till provision for repayment were made, and seeing the only provision that was made, was by those Publick sales of Lands, and no other means of provision (as the transactions here have passed) remained.

2. That the purchasers of those Lands came naturally in, under the Act, and do humbly pray, that since their moneys which they paid for those lands, were employed for publick uses, and those Sales were the provisions for them, that their assurances may stand and take effect.

3. His Majesty that now is, and this present Parliament, in the Act for the Continuance of Processe and Judicial proceedings have enacted in these words,

That no Writs, Processe, Complaints, Pleas, Informations, Indictments, or Judicial proceedings, had, commenced or prosecuted before the fifth day of May, in the year of our Lord 1660. in the name, stile, title, or teste of *Custodes libertatis Anglia Auctoritate Parliamenti*; Or in the name, stile, title, or teste of *The Keepers of the Liberty of England by Authority of Parliament*; Or in the name, stile, title, or teste, of *Oliver Lord Protector of the Common-wealth of England, Scotland, and Ireland*, and the Dominions thereunto belonging, &c. shall be put without day, abated, quashed, or discontinued,



tinued, by his Majesties just re-assumption, of the actual exercise of his Kingly Government in his Kingdome, nor shall the same be cause of error, &c. But that all such Writs, Processe, &c. shall stand and be continued, and shall, and may be proceeded on, prosecuted and returned, notwithstanding the present change, and restitution of his Majesties name and style, in judicial proceedings.

Upon which the purchasers humbly offer, That seeing all these, though not yet perfected, nor consummated, are by his Majesty, and the Parliament, enacted, to be proceeded upon, (where if they had not so been, but been discontinued, the losse had been no more, but to have begun the Suits again, no Judgement or Recovery having been upon them, and many of them, but the first return of the Writ) how much more in the purchasers case, where the Sales have received their whole perfection and consumation, the Purchase money been paid, the assurances been made, and fully executed, possession and seizin been delivered, & long enjoyments accordingly been had, are all fully and absolutely settled; And where, if they should be now unsettled, the purchasers cannot begin again (as a Plainriff may sue out a new Writ) but are utterly deprived and undone for ever.

4. And they humbly present it further, whether this very act do not affirm, the Legislative power to have been, *De facto* (yea and such, as to all the said cases are enacted to stand and have continuance) in those that then called themselves the Parliament, and made those acts of Parliament for changing the name, style, and test from what it was before into the name, style, and teste of *Custodes libertatis*, &c. and into the name, style, and teste of the *Keeper*, &c. and changed the Latin proceedings into English, &c. And if so, Whether the Supream and Legislative power, have not alwayes had power of *Attainder and Confiscation*, and power to sell the Lands so confiscated?

And thereupon, whether in the case of those purchasers, that be not a clear and evident ground, that those lands  
that

that are to toll should come and have, and take their effect.

5. It hath been already voted that all Accountants, and Receivers of any publick moneys, since the year 1642. (of which many have raised on the said sales are a very great and principal part) shall make their accounts to the same, and so they are laid hold on as publick moneys.

Seeing then this present Parliament, do declare it just to have an account of those publick moneys purchasers paid for those lands, must it not needs be just that the purchasers should hold those Lands, for which they paid those moneys?

6. The universal equity of all Nations, and of all times, hath ever made such regard of the publick Quiet, that Settlements made by Usurpers, in time of usurpation, have either been approved, or if taken off, been done by Composition and agreements, especially where numerous multitudes of people are concerned, as here in this Case, where 4. or 50000 persons are interested.

7. And that for avoyding or multiplicity of quarrels, dissensions; and disturbances, which might arise, to the detriment of the publick peace; by the mischief that might follow upon an universal defeating of former Settlements.

8. His Majesty hath been graciously pleased by Proclamation to declare, that all persons should hold their lands and possessions, till evictions thereof be first had by Law; It is then considerable, what swarms and infiniteness of Suits would arise even hundreds of thousands, to the fomenting and nourishing of strifes and dissensions, and making, creating, and carrying on of factions and parties.

All which, its humbly hoped, will merit the serious and due consideration of his Majesty, and the two honorable Houses of Parliament.

FINIS.



